



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SDMS Document



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BY TELECOPY & REGULAR MAIL

David J. Hayes, Esq.
Latham & Watkins, LLP
555 Eleventh Street, N.W., Suite 100
Washington, D.C. 20004-1304

Re: Diamond Alkali Superfund Site - Lower Passaic River Study Area

Dear Mr. Hayes:

This will respond to the letter dated February 2, 2007, that Alan J. Steinberg, Regional Administrator of U.S. Environmental Protection Agency (EPA), Region 2, received from Latham & Watkins on behalf of eight parties that have been named as potentially responsible parties (PRPs) with respect to the Diamond Alkali Superfund Site, Lower Passaic River Study Area.

While we appreciate the concerns of the PRPs that are signatories to the letter, EPA is not prepared at the current time to enter into discussions concerning a potential *de minimis* settlement. It has been the Agency's position that until a remedy has been selected, EPA will not be in a position to consider a *de minimis* settlement. Therefore, we do not believe it would be worthwhile to convene a meeting at this point.

Notwithstanding the above, we understand that the Cooperating Parties Group (CPG) is aware of, and has been working to address, the concerns of PRPs that consider themselves *de minimis*. Therefore, it may be more appropriate for you to contact the CPG to try to resolve your concerns.

If you have further questions or concerns, please do not hesitate to contact Assistant Regional Counsel Sarah Flanagan, who can be reached at 212-637-3136.

Sincerely,

George Pavlou, Director
Emergency and Remedial Response Division

bcc: A. Steinberg, RA
K. Callahan, DRA
C. Servidio, ORA
G. Pavlou, ERRD
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